IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1948 of 2005

Between:

Sri C. Krishna Chowdary, S/o. Venkataswamy,
Rampuram Village, Kambadur Mandal, Dharmavaram
Division, Anantapur, District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Dharmavaram Division,
Anantapur District.
3 The Mandal Revenue Officer, Kambadur Mandal, Anantapur
District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, Order or Direction preferably one in the nature of Writ of Mandamus declaring the Orders passed by the 2nd respondent in Rc.No. 12/05/F dated 17-1-2005 suspending the authorization of the petitioner pending enquiry as F.P. Shop dealer of Rampuram Village, Kamadugur Mandal, Anantapur District as illegal arbitrary and violative of A.P. Control Order 2001 and also violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents and consequently direct the respondents to continue the petitioner as a dealer of subject village as usual.

Counsel for the Petitioner:MR.M.PRASADA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was appointed as a fair price shop dealer of Ramapuram Village of Anantapur District. Through order dated 17.01.2005, the 2nd respondent suspended the authorization of the petitioner, pending enquiry into certain allegations. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. His grievance is that no orders have been passed by the 1st respondent so far in the application for stay.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal as provided for under Clause 20 of the A.P.State Public Distribution System Control Order, 2001. Sub-Clause (2) thereof empowers the appellate authority to grant interim orders. It is the discretion of the appellate authority whether or not to pass interim orders in the appeals. However, such discretion is to be guided by reasons and reasonableness. In a given case, the very delay in consideration of the applications may defeat the very purpose of preferring the appeal.

Prima facie, the charges levelled against the petitioner are not so serious as to warrant an action before any explanation is called for from the petitioner. The allegations are general and vague in nature and no instance as such is indicated. There are no allegations that the petitioner had diverted the essential commodities to black-market.

For the foregoing reasons, the writ petition is disposed of, directing that the order of suspension dated 17.01.2005 passed by the 2nd respondent shall remain stayed, till the 1st respondent disposes of the appeal preferred by the petitioner. There shall be no order as to costs.

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08.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Joint Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Dharmavaram Division, Anantapur District.
3 The Mandal Revenue Officer, Kambadur Mandal, Anantapur District.

4 Two C.Cs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).

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